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Letter dated 17 April 2000 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council

In accordance with rule 37 of the provisional rules of procedure of the Security Council, having requested participation in the open debate to be held in the Security Council Chamber today, Monday, 17 April 2000, for consideration of the agenda item pertaining to sanctions, I regrettably have to be away from the United Nations on other matters and will not be able to deliver my statement in person.

I should be grateful if my statement intended for the 4128th meeting of the Security Council concerning general issues relating to sanctions could be circulated as a document of the Security Council.

(*Signed*) Ahmed **Aboul Gheit**
Ambassador and Permanent Representative

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Annex to the letter dated 17 April 2000 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Statement by Ambassador Ahmed Aboul Gheit, Permanent Representative of the Arab Republic of Egypt to the United Nations to the Security Council concerning sanctions

Mr. President:

Egypt takes great interest in the issue of sanctions imposed by the Security Council because of its relationship to the question of the maintenance of international peace and security and because of the political, economic and social effects that the imposition of sanctions can have. The philosophy of imposing sanctions rests on the achievement of two interconnected goals, namely to deter and punish States or Governments that threaten international peace and security or commit acts of aggression and, on the other hand, to rectify the conduct of the State or Government on which the sanctions are imposed. If sanctions fail to achieve either of these goals, their *raison d'être* ceases and they thus have no intrinsic purpose. Accordingly, sanctions are an exceptional measure that should not be resorted to except in the extreme cases provided for in Chapter VII of the Charter and after all means of pacific settlement of disputes provided for in Chapter VI of the Charter have been exhausted. Accordingly, they should be applied in accordance with firm, objective and declared criteria for a specific term so that they do not become a political tool in the hand of the Security Council. Moreover, sanctions should be adopted without allowing the individual political considerations of Council members — particularly the permanent members — to prevail over the collective views of the members of the Council and of the United Nations as a whole.

When the Security Council is about to impose sanctions on a State, it must bear in mind the possibility of affording the States on which the sanctions are to be imposed an opportunity to set forth their views before the Council before it embarks on the imposition or renewal of sanctions. We also call for States that are not members of the Council that believe that the imposition of sanctions is injurious to their interests be allowed to participate in the discussion of such sanctions, if the Council considers that their interests are especially affected through such sanctions, in accordance with Article 31 of the Charter. In this connection, we draw the attention of the Council to the position paper concerning sanctions that the General Assembly adopted within the framework of *An Agenda for Peace* and that we would have expected the Security Council to utilize.

Mr. President:

We have drawn attention also to the collateral damage caused by the sanctions imposed under Chapter VII of the Charter with regard to the people of the State on which the sanctions are imposed, as witness the deterioration in the humanitarian situation in Iraq or the hardships suffered by the Libyan people, which still continue. Sanctions must not be a tool for subjugating entire peoples. Unfortunately, sanctions frequently also inflict large-scale damage on the interests of third States and their

peoples whose interests are linked to those of the State on which the sanctions are imposed, as has been the case with regard to Egypt, because of considerations the details of which lie outside the scope of our discussions today.

The Charter of the United Nations by no means authorizes damage to the interests of such third States. On the contrary, it has devised a mechanism to which the Security Council has so far not had to resort, namely for the Council to consult the States concerned and obtain their view before adopting its decision to impose the penalty on the State in question, in order that the Council may have before it the full picture in all its political, economic and humanitarian dimensions. Accordingly, we invite the Council once again to consider establishing more permanent mechanisms and measures for the holding of the consultations provided for in Article 50 of the Charter with third States that find themselves confronted or may find confronted with special economic problems arising from the carrying out of those preventive or enforcement measures imposed by the Council, with a view to devising solutions to these problems, including ways and means to enhance the effectiveness of its working methods and the measures applied when it considers applications for assistance submitted by injured States. In this connection, we welcome the statement by the President of the Security Council in his note S/1999/92, which contains a number of practical proposals for improving the work of the sanctions committees, that all members of the Council had indicated their agreement that the practical proposals set forth in the note should be used. We also reaffirm the role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in identifying solutions to economic problems suffered by those States. We also call upon the institutions of the United Nations system, the international monetary institutions and other international and regional organizations, as well as Member States within the Organization, to participate in those efforts on the basis of the principle of the equitable distribution and division of burdens, inasmuch as they are currently being borne solely by the injured third States. This was the view of the International Court of Justice in its Advising Opinion of 1962 concerning "*Certain Expenses of the United Nations*". We should mention here that the aim is not simply to make a theoretical or technical evaluation but to implement Article 50 of the Charter in full and to place the Security Council before its responsibility with regard to non-impairment of the interests of third States and alleviation of the severity of such impairment where it is determined to have occurred. On this basis, we believe that the conclusions arrived at by the Ad Hoc Expert Group convened in June 1998 in accordance with General Assembly resolution 52/162 to develop a methodology for assessing the consequences incurred by third States constitute an important step towards the practical implementation of the provisions of Articles 49 and 50 of the Charter.

Mr. President:

On the basis of Egypt's firm position of rejection of the imposition of collective sanctions on entire peoples and on the basis also of the proven inefficacy of current sanctions, we noted with interest the Secretary-General's statement in his recent report on the work of the Organization concerning the importance of according consideration to "targeted sanctions" or "smart sanctions". While resort to such measures would alleviate the impact on the peoples of States on which sanctions are imposed, they would lead directly to an embargo on those responsible for the imposition of sanctions on their peoples by exposing them to pressure to a degree that would make them desist from endangering peace and security, either by

imposing rigorous financial restrictions on them or restrictions on their freedom of movement and that of their families or by other similar measures. In this connection, I would draw attention to the successes achieved by this new system in specific cases, but let me not omit to mention that experience has demonstrated a need for further study, since this type of sanctions has failed to achieve its purpose in other cases.

Mr. President:

With regard to the method of dealing with the proposals and recommendations set forth for enhancing the effectiveness of the sanctions system, we are wary of calling upon the Council to establish a working group to study such proposals and recommendations. I should like in this regard to emphasize the need for the Council to deal with this topic within the framework of full respect for the delicate balances between the principal organs established by the Charter of the United Nations, in particular the General Assembly, as well as other organs inside and outside the United Nations. While we do not gainsay the Council's competence with regard to the application of sanctions under Chapter VII, inasmuch as it is the executive organ entrusted with this task, we believe that rules and directives for the implementation of the provisions of the Charter of the United Nations, including provisions relating to the adoption of enforcement measures, must be drawn up within the framework of the General Assembly and its competent committees, inasmuch as it is the legislative organ of the international Organization.

Accordingly, the alternative course that we deem appropriate in this regard is to entrust this task to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, thus ensuring the necessary expertise, transparency and democracy.

Mr. President:

On the subject of transparency, I would call upon the Council to accord particular attention to the mode of preparing Council reports on sanctions. The previous report submitted by the Council to the General Assembly did not take into account the circumstances that led to the imposition of the sanctions, their purpose in every case and the result of their imposition. We therefore hope that the next report will contain an evaluation of the results of the application of the sanctions, with a view to assessing the degree of their effectiveness and the extent to which they strengthen the purposes and principles of the United Nations, on the one hand, and the extent of their impact, at the internal and at the regional level, on the State on which they are imposed, on the other. We therefore request that the sanctions committees hold open formal meetings, that the proceedings of their closed meetings be recorded and that the proceedings of both types of meetings be reflected in the report.

Thank you, Mr. President.